

REMARKS

I. Introduction

With the cancellation without prejudice of claim 13, claims 7 to 12 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank Examiner for acknowledging the claim for foreign priority and indicating that all copies of the certified copies of the priority documents have been received from the International Bureau.

II. Objection to Claim 13

As regards the objection to claim 13, although Applicant may not agree with the merits of the objection, to facilitate matters, claim 13 has been canceled without prejudice, thereby obviating the objection. Accordingly, withdrawal of this objection is respectfully requested.

III. Rejection of Claims 7 to 13 Under 35 U.S.C. § 102(b) ("Potschin et al.")

Claims 7 to 13 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,142,443 ("Potschin et al."). It is respectfully submitted that Potschin et al. do not anticipate these claims for at least the following reasons.

As an initial matter, claim 13 has been canceled without prejudice, thereby obviating the rejection with respect to this claim.

Claim 7 relates to a fuel injector including: a housing; a valve-seat surface; a valve needle; a valve-closure member situated in the housing and cooperating with the valve-seat surface to form a sealing seat; one of a piezoelectric and magnetostrictive actuator which actuates the valve-closure member; and an hydraulic coupler having a downstream recess in which one end of the valve needle is engaged in a pivotable manner.

Potschin et al. do not disclose, or even suggest, a fuel injector including a hydraulic coupler having a downstream recess in which one end of a valve needle is engaged in a pivotable manner. In Fig. 9, Potschin et al. do show a piston (25), which includes a valve seat (75) having an approximately conical surface and opening out into a leakage fluid chamber (59). In addition, a spherical closing body (74) engages with the valve seat (75) and is in operative contact with a shaft

(27) downstream from the valve seat (75). Shaft (27) may be thought of as a needle of a control valve. However, closing body (74), which the Office Action contends to constitute, together with shaft (27), a valve needle, is completely separate from shaft (27) and spherically shaped, and can therefore not be considered a valve needle. In addition, shaft (27) does not engage with piston (25), which the Office Action contends to constitute a hydraulic coupler. Accordingly, it is respectfully submitted that Potschin et al. do not anticipate claim 7 for at least these reasons.

As for claims 8 to 12, which ultimately depend from claim 7 and therefore include all of the features of claim 7, it is respectfully submitted that Potschin et al. do not anticipate these dependent claims for at least the reasons set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 7 to 13 Under 35 U.S.C. § 102(b) ("Hardy et al.")

Claims 7 to 13 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,390,385 ("Hardy et al."). It is respectfully submitted that Hardy et al. do not anticipate these claims for at least the following reasons.

As an initial matter, claim 13 has been canceled without prejudice, thereby obviating the rejection with respect to this claim.

As regards claim 7, Hardy et al. do not disclose, or even suggest, a fuel injector including a hydraulic coupler having a downstream recess in which one end of a valve needle is engaged in a pivotable manner. Hardy et al. do describe a fuel injector, which includes a piezoelectric stack (40) having an end member (48). The end member (48), which the Office Action considers to constitute a hydraulic coupler, sealingly contacts a load transmitting member (28) to form an enclosed volume (50). The load transmitting member (28) is acted upon by a compression spring (30), which, in turn, acts upon a valve needle (12) via a pin member (32). However, contrary to the contentions appearing on page 3, section 4 of the Office Action, load transmitting member (28) is a part completely separate from valve needle (12) and can therefore not be considered a valve needle. In addition, valve needle (12) does not engage with the volume (50) enclosed by end member (48) and load transmitting member (28). Accordingly, it is respectfully submitted that Hardy et al. do not anticipate claim 7 for at least these reasons.

As for claims 8 to 12, which ultimately depend from claim 7 and therefore include all of the features of claim 7, it is respectfully submitted that Hardy et al. do not anticipate these dependent claims for at least the reasons set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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